

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JOSHUA CRIHFIELD,

Plaintiff,

v.

CITY OF DANVILLE POLICE
DEPARTMENT, *et al.*,

Defendants.

RICHARD BREITWIESER,

Plaintiff,

v.

CITY OF DANVILLE POLICE
DEPARTMENT, *et al.*,

Defendants.

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Case No. 4:07CV00010

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ORDER

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By: Jackson L. Kiser

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Senior United States District Judge

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Case No. 4:07CV00011

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Before me is Defendants' Motion to Dismiss the claims in these companion cases under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. For the reasons stated in the accompanying Memorandum, the Motions to Dismiss are hereby **GRANTED** with regard to the City of Danville Police Department, but are **DENIED** with respect to officers C.G. Gagnon, L.P. Rigney, Jr., and Danny L. Cassidy, Jr.

The Clerk is directed to send a copy of this Order and accompanying Memorandum Opinion to all counsel of record.

Entered this 11th day of October, 2007.

s/Jackson L. Kiser

Senior United States District Judge